

AMENDED IN ASSEMBLY MAY 2, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 374**

---

**Introduced by Assembly Member Hayashi**

February 14, 2011

---

An act to add Chapter 5.8 (commencing with Section 2697.2) to Division 2 of, and to repeal Section 2697.8 of, the Business and Professions Code, relating to athletic trainers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 374, as amended, Hayashi. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would, commencing January 1, 2013, provide for the licensure and regulation of athletic trainers, as defined, by an Athletic Trainer Licensing Committee, to be established by the bill within the Medical Board of California. Under the bill, the committee would be comprised of 7 members, as specified, appointed by the Governor, subject to Senate confirmation, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would, *except as specified*, prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee. The bill would require an applicant for licensure to meet certain educational requirements, pass a specified examination, hold specified athletic trainer certification, possess emergency cardiac care certification, and submit an application and pay fees established by the committee. The bill would specify that a license shall be valid for 3 years and is subject to renewal upon the

completion of specified requirements including the payment of a renewal fee. The bill would define the practice of athletic training and prescribe supervision and other requirements on athletic trainers. The bill would create the Athletic Trainers Account, within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would make those fees available to the committee subject to appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California is one of only three states that does not currently  
3 regulate the practice of athletic training. This continued lack of  
4 regulation creates the risk that individuals who have lost or are  
5 unable to obtain licensure in another state will come to California  
6 to practice, thereby putting the public in danger and degrading the  
7 standards of the profession as a whole.

8 (b) There is a pressing and immediate need to regulate the  
9 profession of athletic training in order to protect the public health,  
10 safety, and welfare. This need is particularly important because  
11 athletic trainers often work with schoolage children.

12 SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is  
13 added to Division 2 of the Business and Professions Code, to read:

14  
15 CHAPTER 5.8. ATHLETIC TRAINERS  
16

17 2697.2. This chapter shall be known and may be cited as the  
18 Athletic Trainers Practice Act.

19 2697.4. For the purposes of this chapter, the following  
20 definitions shall apply:

21 (a) "Athletic trainer" means a person who meets the  
22 requirements of this chapter and is licensed by the committee.

23 (b) "Board" means the Medical Board of California.

24 (c) "Committee" means the Athletic Trainer Licensing  
25 Committee.

26 2697.6. (a) No person shall engage in the practice of athletic  
27 training unless licensed pursuant to this chapter.

1 (b) No person shall use the title “athletic trainer,” “licensed  
2 athletic trainer,” “certified athletic trainer,” “athletic trainer  
3 certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.c.,” or any other variation of  
4 these terms, or any other similar terms indicating that the person  
5 is an athletic trainer unless that person is licensed pursuant to this  
6 chapter.

7 (c) *Notwithstanding subdivisions (a) and (b), a person who*  
8 *practiced athletic training in California for a period of seven*  
9 *consecutive years prior to January 1, 2013, may use the title*  
10 *“athletic trainer” without being licensed by the committee.*  
11 *However, on and after January 1, 2016, no person may use the*  
12 *title “athletic trainer” unless he or she is licensed by the committee*  
13 *pursuant to the provisions of this chapter.*

14 2697.8. (a) There is established an Athletic Trainer Licensing  
15 Committee within the Medical Board of California. The committee  
16 shall consist of seven members.

17 (b) The seven committee members shall include the following:

18 (1) Four licensed athletic trainers. Initially, the committee shall  
19 include four athletic trainers who have satisfied the requirements  
20 of subdivision (a) of Section 2697.12 and who will satisfy the  
21 remainder of the licensure requirements described in Section  
22 2697.12 as soon as it is practically possible.

23 (2) One public member.

24 (3) Two licensees, in any combination, chosen from the  
25 following: physicians and surgeons licensed by the board,  
26 osteopathic physicians and surgeons licensed by the Osteopathic  
27 Medical Board of California, or doctors of chiropractic licensed  
28 by the State Board of Chiropractic Examiners.

29 (c) Subject to confirmation by the Senate, the Governor shall  
30 appoint two of the licensed athletic trainers and the public member.  
31 The Senate Committee on Rules and the Speaker of the Assembly  
32 shall each appoint a licensed athletic trainer and a physician and  
33 surgeon, an osteopathic physician and surgeon, or a doctor of  
34 chiropractic as described in paragraph (3) of subdivision (b).

35 (d) (1) All appointments shall be for a term of four years and  
36 shall expire on June 30 of the year in which the term expires.  
37 Vacancies shall be filled for any unexpired term.

38 (2) Notwithstanding paragraph (1), for initial appointments  
39 made on or after January 1, 2013, the public member appointed  
40 by the Governor shall serve a term of one year. Two of the athletic

1 trainers appointed by the Senate Committee on Rules and the  
2 Speaker of the Assembly shall serve terms of three years, and the  
3 remaining members shall serve terms of four years.

4 (e) Each member of the committee shall receive per diem and  
5 expenses as provided in Section 103.

6 (f) This section shall remain in effect only until January 1, 2018,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2018, deletes or extends that date. The  
9 repeal of this section renders the committee subject to the review  
10 required by Article 7.5 (commencing with Section 9147.7) of the  
11 Government Code.

12 2697.10. (a) The committee shall adopt, repeal, and amend  
13 regulations as may be necessary to enable it to carry into effect  
14 the provisions of this chapter. All regulations shall be in accordance  
15 with the provisions of this chapter.

16 (b) In promulgating regulations, the committee may consult the  
17 professional standards issued by the National Athletic Trainers'  
18 Association, the Board of Certification, Inc., or any other nationally  
19 recognized professional association.

20 (c) The committee shall approve programs for the education  
21 and training of athletic trainers.

22 (d) Protection of the public shall be the highest priority for the  
23 committee in exercising its licensing, regulatory, and disciplinary  
24 functions. Whenever the protection of the public is inconsistent  
25 with other interests sought to be promoted, the protection of the  
26 public shall be paramount.

27 2697.12. The committee shall issue an athletic trainer license  
28 to an applicant who meets all of the following requirements:

29 (a) Has submitted an application developed by the committee  
30 that includes evidence that the applicant has completed athletic  
31 trainer certification eligibility requirements from an athletic training  
32 education program at a four-year college or university approved  
33 by the committee.

34 (b) Has passed an athletic training certification examination  
35 offered by a nationally accredited athletic trainer certification  
36 agency approved by the committee.

37 (c) Holds current athletic training certification from a nationally  
38 accredited athletic trainer certification agency approved by the  
39 committee.

1 (d) Possesses an emergency cardiac care certification from a  
2 certification body, approved by the committee, that adheres to the  
3 most current international guidelines for cardiopulmonary  
4 resuscitation and emergency cardiac care.

5 (e) Has paid the application fee established by the committee.

6 2697.14. A license issued by the committee pursuant to Section  
7 2697.12 shall be valid for three years and thereafter shall be subject  
8 to the renewal requirements described in Sections 2697.16 and  
9 2697.18.

10 2697.16. The committee shall establish license application and  
11 renewal fees in an amount sufficient to cover the reasonable  
12 regulatory costs of carrying out the provisions of this chapter.

13 2697.18. The committee shall renew a license if an applicant  
14 meets all of the following requirements:

15 (a) Pays the renewal fee as established by the committee.

16 (b) Submits proof of satisfactory completion of continuing  
17 education, as determined by the committee.

18 (c) Submits proof of current emergency cardiac care certification  
19 meeting the requirements of subdivision (c) of Section 2697.12.

20 (d) Demonstrates that his or her license is otherwise in good  
21 standing, including, that the applicant for renewal possesses a  
22 current, unencumbered certification from a nationally accredited  
23 athletic trainer certification agency approved by the committee.

24 2697.20. (a) The practice of athletic training is the professional  
25 treatment of a patient for risk management and injury prevention;  
26 the clinical evaluation and assessment of a patient for an injury or  
27 illness, or both; the immediate care and treatment of a patient for  
28 an injury or illness, or both; and the rehabilitation and  
29 reconditioning of a patient's injury or illness, or both. An athletic  
30 trainer shall refer a patient to an appropriate licensed health care  
31 provider when the treatment or management of the injury, illness,  
32 or condition is not within the scope of practice of an athletic trainer.

33 (b) No licensee shall provide, offer to provide, or represent that  
34 he or she is qualified to provide any treatment that he or she is not  
35 qualified to perform by his or her education, training, or experience,  
36 or that he or she is otherwise prohibited by law from performing.

37 (c) Nothing in this chapter shall authorize an athletic trainer to  
38 perform grade 5 joint mobilizations.

39 (d) An athletic trainer shall render treatment under the direction  
40 of a physician and surgeon licensed by the board, an osteopathic

1 physician and surgeon licensed by the Osteopathic Medical Board  
2 of California, or a doctor of chiropractic licensed by the State  
3 Board of Chiropractic Examiners who shall order and oversee the  
4 athletic trainer and shall be responsible for the athletic training  
5 activities performed by the athletic trainer. This direction shall be  
6 provided by verbal order when the directing physician and surgeon,  
7 osteopathic physician and surgeon, or doctor of chiropractic is  
8 present and by written order or by athletic training treatment plans  
9 or protocols, to be established by the physician and surgeon,  
10 osteopathic physician and surgeon, or doctor of chiropractic, when  
11 the directing physician and surgeon, osteopathic physician and  
12 surgeon, or doctor of chiropractic is not present.

13 (e) Notwithstanding any other provisions of law and consistent  
14 with the provisions of this chapter, the committee may establish  
15 other alternative mechanisms for the adequate supervision of an  
16 athletic trainer.

17 2697.22. The requirements of this chapter do not apply to the  
18 following:

19 (a) An athletic trainer licensed in another state who is in  
20 California temporarily to engage in the practice of athletic training  
21 for, among other things, an athletic or sporting event.

22 (b) An athletic trainer licensed, certified, or registered in another  
23 state who is invited by a sponsoring organization, such as the  
24 United States Olympic Training Center, to temporarily provide  
25 athletic training services under his or her state's scope of practice.

26 (c) A student enrolled in an athletic training education program,  
27 while participating in educational activities under the supervision  
28 and guidance of an athletic trainer licensed under this chapter.

29 (d) A member of the United States Armed Forces, licensed,  
30 certified, or registered in another state, as part of his or her federal  
31 employment in California for a limited time.

32 2697.24. Nothing in this chapter shall be construed to limit,  
33 impair, or otherwise apply to the practice of any person licensed  
34 and regulated under any other chapter of Division 2 (commencing  
35 with Section 500).

36 2697.26. The committee may order the denial of an application  
37 for, or the issuance subject to terms and conditions of, or the  
38 suspension or revocation of, or the imposition of probationary  
39 conditions upon an athletic trainer's license after a hearing for  
40 unprofessional conduct that includes, but is not limited to, a

1 violation of this chapter or the regulations adopted by the  
2 committee pursuant to this chapter.

3 2697.28. There is established in the Contingent Fund of the  
4 Medical Board of California the Athletic Trainers Account. All  
5 fees collected pursuant to this chapter shall be paid into the account.  
6 These fees shall be available to the committee, upon appropriation  
7 by the Legislature, for the regulatory purpose of carrying out the  
8 provisions of this chapter.

9 2697.30. This chapter shall become operative on January 1,  
10 2013.

O